

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JUDGE PATTERSON

UNITED STATES OF AMERICA

: INFORMATION

-v.-

:

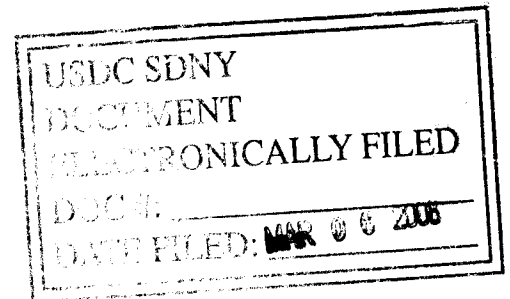
08 CRIM 190

JOSE DIAZ,
a/k/a "El Don,"

:

Defendant

:



COUNT ONE

The United States Attorney charges:

1. From at least in or about 2002 up to and including in or about June 2006, in the Southern District of New York and elsewhere, JOSE DIAZ, a/k/a "El Don," the defendant, and others known and unknown, unlawfully, intentionally, and knowingly did combine, conspire, confederate, and agree together and with each other to violate the narcotics laws of the United States.

2. It was a part and an object of said conspiracy that JOSE DIAZ, a/k/a "El Don," the defendant, and others known and unknown, would and did distribute and possess with intent to distribute a controlled substance, to wit, 5 kilograms and more of mixtures and substances containing a detectable amount of cocaine, in violation of Sections 812, 841(a)(1), and 841(b)(1)(A) of Title 21, United States Code.

Overt Acts

3. In furtherance of the conspiracy and to effect the

illegal object thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. In or about February 2006, in the Southern District of New York and elsewhere, JOSE DIAZ, a/k/a "El Don," and others possessed approximately 10 kilograms of cocaine which they obtained by kidnaping and robbing a drug dealer.

b. In or about May 2005, JOSE DIAZ, a/k/a "El Don," attempted to obtain approximately 10 kilograms of cocaine by kidnaping a drug dealer on or near 207th Street in New York, New York.

(Title 21, United States Code, Section 846.)

FORFEITURE ALLEGATION

4. As a result of committing the controlled substance offense alleged in Count One of this Information, JOSE DIAZ, a/k/a "El Don," the defendant, shall forfeit to the United States pursuant to 21 U.S.C. § 853, any and all property constituting or derived from any proceeds said defendant obtained directly or indirectly as a result of said violation and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the violation alleged in Count One of this Information, in violation of Title 21, United States Code, Section 846.

Substitute Assets Provision

5. If any of the property described above as being subject to forfeiture, as a result of any act or omission of the defendant:

(a) cannot be located upon the exercise of due diligence;

(b) has been transferred or sold to, or deposited with, a third party;

(c) has been placed beyond the jurisdiction of the court;

(d) has been substantially diminished in value; or

(e) has been commingled with other property which cannot be divided without difficulty;

it is the intention of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the above forfeitable property.

(Title 21, United States Code, Sections 846 and 853.)


MICHAEL J. GARCIA *DMR*
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

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a/k/a "El Don,"

Defendant.

INFORMATION

08 Cr. ____ (RPP)

(21 U.S.C. § 846.)

MICHAEL J. GARCIA
United States Attorney.

3/6/08 Defendant, produced by US Marshals, present w/ atty Ceballos.
(3/6/08) AVSA Harrington present. Court Interpreter P. Gold present.
Defendant appears & is arraigned on this information. Defendant
enters plea of not guilty. Δ then withdraws previous plea
of not guilty & enters plea of guilty. Allsutton conducted.
Court accepts plea, BK is ordered, sentence set for 6/11/08 at
4pm. The defendant is continued remanded.

Patterson J.